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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,097	04/01/2004	Jeffrey Jackson	Jackson.1002	9486
26812	7590	04/05/2006	EXAMINER	
HAYES, SOLOWAY P.C. 175 CANAL STREET MANCHESTER, NH 03101			LE, TAN	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/816,097	JACKSON, JEFFREY	
	Examiner	Art Unit	
	Tan Le	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 10, 12 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-9, 11, 13-16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/30/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the second office action for Application No. 10/816,097, Apparatus for Displaying Ornamental Objects, filed 04/01/04. This application contains claims numbered 1-19.

Election/Restrictions

2. Applicant's election without traverse of the species of Fig. 5 and 8 in the reply filed on 01/09/06 is acknowledged. Note that Applicant's election without traverse and withdrawn claims numbered 4, 10 and 12, but fails to point out which claims are readable the elected species. Currently claims 1-2, 6-9, 11, 13-16 and 18-19 are readable to the species elected. Accordingly, claims 3-5, 10, 12 and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species.

Claims 1-2, 6-9, 11, 13-16 and 18-19 be examined as follows:

Specification

3. Beginning on page 1 of specification, after "Application Serial No. 10/346,153" should be updated to include – which is now Patented No. 6,848,660 --.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 07/20/04 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claim 13, the phrase "similar to" was held to be indefinite since it is unclear as to what constitutes "similar". Further the shape of the mental is unknown, unclaimed/undefined element, it is improper to define an element of the claims based on a relationship to an unclaimed element.

It is also not known whether a combination or subcombination is being claimed because the "structure" is first inferred as intended use (claim 9, line 1) and then positively claimed "similar to a shape of a mental" (mental in this case considers a structure) (claim 13). It is also improper to use a dependent claim to expand the scope of the claim from subcombination to combination.

Note that other claims in the case appear to claim the same way as claimed in claim 13, however, these "other claims" are not discussed in this office action since they are 'withdrawn'.

NOTE: with regards claim 1, the term "may be" claimed in line 9 merely describes the potential for a "second object" to be situated in the central loop as

opposed to actually situated in the central loop. Thus, the examiner has not considered the "second object" as a positively part of the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 7, 9, 13-14, 16 and 18 are rejected under 35 U.S.C. 102b) as being anticipated by US Patent No. 3, 199,820 to Thompson.

As to claim 1, Thompson teaches a hanger (see illustrated Fig. 1 below) comprising a holding portion formed to fit to said structure; a frictional element positioned on said holding portion to be in contact with said structure whereby said frictional element reduces mobility of said holding portion along said structure; a hook integral with said holding portion, said hook fabricated to support said object; and a central loop integral to said hook, wherein a second object may be situated in said central loop.

As to claim 6, the holding portion of Thompson is capable of forming to fit a mantle.

As to claim 7, Thompson also teaches the hook that does not contact said structure when said holding portion holds said structure. Note: Claim is supposed to set forth what it does and not what it does not do.

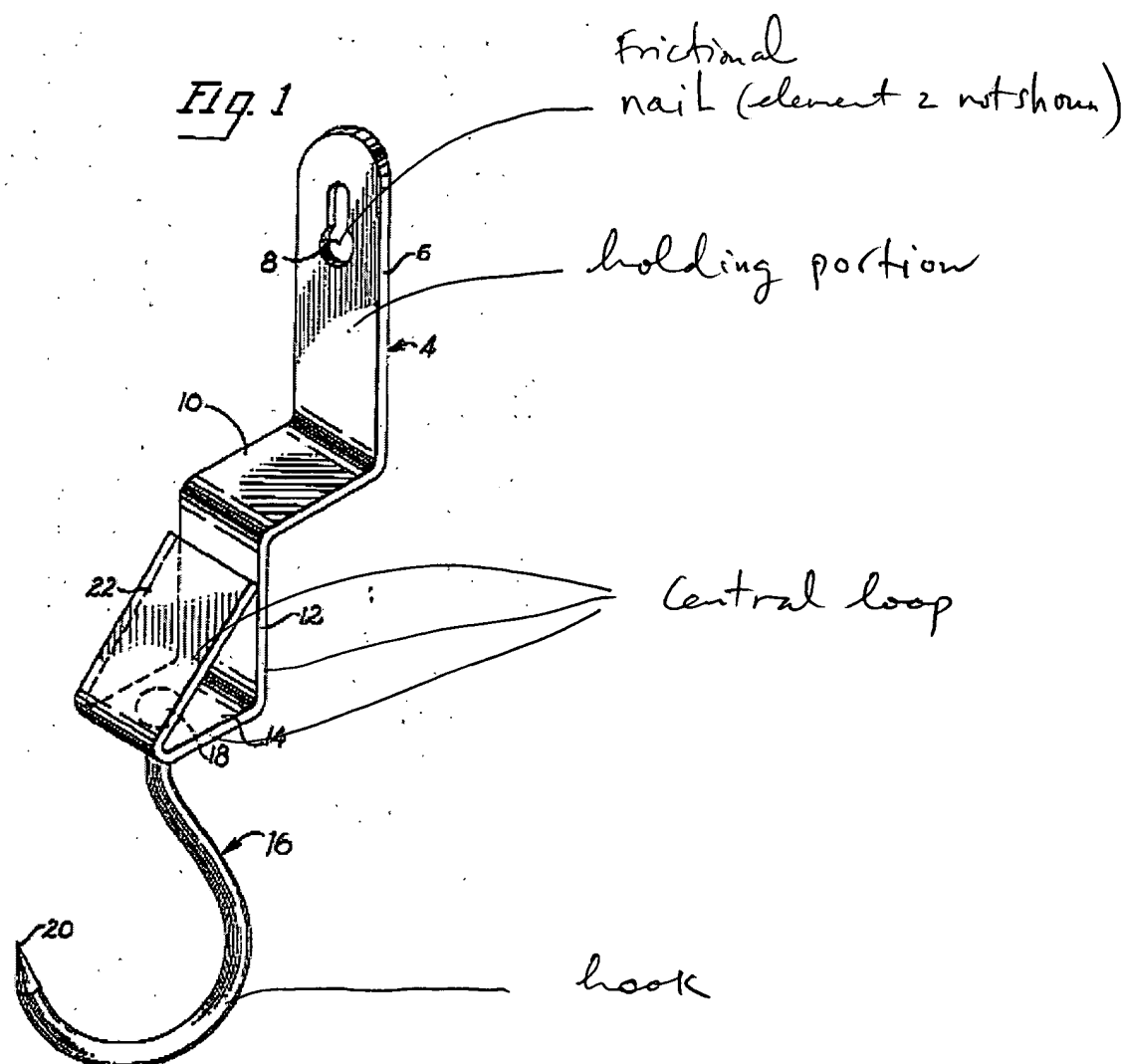
As to claim 9, claim 9 is similar to claim 1, with further recitation that an enclosed central loop being enclosed on top portion, a bottom portion (14), a front portion (22), and a back portion (12) of said enclosed central loop, and said enclosed central loop being open on a left side portion and a right side portion of said enclosed central loop, wherein said enclosed central loop is capable of allowing a second object to be situated in said central loop after being placed within said left side portion or said right side portion, which are also clearly shown on Thompson as illustrated on Figure.

As to claim 13, since a mantle is not positively claimed, claim 13 is therefore also read on Thompson.

As to claim 14, claim 14 is similar to claim 7 as discussed above, is therefore also read on Thompson.

As to claim 16, Thompson reads on claim 16 as follows: means for holding (6, 4) being fabricated so as to allow said support to hold to said structure, wherein said means for holding provides a force on said structure so as to allow said support to hold to said structure; means for gripping (2) (nail) for enhancing the grip of said means for holding on said structure; means for hanging (16) being capable of allowing an object to hang from; and means for maintaining (12, 14, 22) (a loop) an object in said support, wherein said support may be removed from said structure by pulling said means for hanging away from said structure.

As to claim 18, Thompson also teaches the means for hanging extending from said means for holding and wherein said means for hanging does not contact said structure when said support holds said structure.



Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3632

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8, 11, 15 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson as discussed above in view of US Patent No. 6,835,452 to Hamerski.

As to claims 2, 11 and 19, Thompson teaches the conventional use of a nail to grip/fix the hanger to the wall but not the use of a double adhesive tape. Hamerski teaches the use of a double adhesive tape to grip/fix the hanger to the wall to minimize the damages to the substrate surface (wall). Minimize the damages to the wall is highly desirable in holding an object to the wall, therefore It would has been obvious to a person of ordinary skill in the art at the time the invention was made to use double adhesive in place of the nail to minimize the damage of the wall where the hanger to be attached.

As to claims 8 and 15, the frictional element of Hamerski also includes a thin, rubber pad.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,094,417 to Creed

5,141,192 to Adams

3,491,971 to Fisher

6,848,660 to Jackson

D.478,805 to Winig et al. US 2004/018,8032 to Jackson

The above patents disclose various types of hanging apparatus for display objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le
Patent examiner
March 22, 2006.